

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN CARFAGNO, derivatively on
behalf of CENTERLINE HOLDING
COMPANY,

Plaintiff,

v.

MARC D. SCHNITZER, STEPHEN M.
ROSS, JEFF T. BLAU, LEONARD W.
COTTON, ROBERT J. DOLAN,
NATHAN GANTCHER, JEROME Y.
HALPERIN, ROBERT L. LOVERD,
ROBERT A. MEISTER, JANICE COOK
ROBERTS, AND THOMAS W. WHITE,

Defendants.

and

CENTERLINE HOLDING COMPANY,

Nominal Defendant.

Civil Action No. 08-cv-00912 (SAS)

JURY TRIAL DEMANDED

TONY BROY, derivatively on behalf of
nominal defendant, CENTERLINE
HOLDING
COMPANY,

Plaintiff,

v.

JEFF T. BLAU, STEPHEN M. ROSS,
LEONARD W. COTTON, MARC D.
SCHNITZER, PETER T. ALLEN,
NATHAN GANTCHER, JEROME Y.
HALPERIN, ROBERT L. LOVERD,
JANICE COOK ROBERTS, THOMAS W.
WHITE, and ROBERT L. LEVY,

Defendants.

and

CENTERLINE HOLDING COMPANY,

Nominal Defendant.

Civil Action No. 08-cv-01971 (SAS)

**NOTICE AND [PROPOSED] ORDER OF VOLUNTARY DISMISSAL
OF PLAINTIFF TONY BROY ONLY**

PLEASE TAKE NOTICE that subject to the approval of the Court that:

1. Pursuant to Fed. R. Civ. Proc. 41(a)(1)(ii), Plaintiff Tony Broy is hereby dismissed without prejudice to all the parties.
2. Plaintiff Tony Broy represents that no compensation in any form has passed directly or indirectly from any of the Defendants to Plaintiff Tony Broy or any of Plaintiffs' attorneys and no promise to give any such compensation has been made.
3. Each party shall bear his, her or its own costs and attorneys' fees subject to the provisions of Federal Rule of Civil Procedure 41(d).

DATED: New York, New York
May __, 2008

Respectfully Submitted,

/s/ Joshua M. Lifshitz
BULL & LIFSHITZ, LLP
Peter D. Bull (PB-9118)
Joshua M. Lifshitz (JL-9172)
18 East 41st Street
New York, New York 10017
Tel: (212) 213-6222

SO ORDERED

Hon. Shira A. Scheindlin

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CERIFICATE OF SERVICE

I hereby certify that on May 7, 2008, the foregoing NOTICE AND [PROPOSED] ORDER OF VOLUNTARY DISMISSAL OF PLAINTIFF TONY BROY ONLY was filed electronically with the Court's Case Management/Electronic Case Files (CM/ECF) docketing system. Notice of this filing will be sent to all parties by operation of the CM/ECF system. Parties may access this filing through the CM/ECF system.

s/
BULL & LIFSHITZ, LLP
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Counsel for Tony Broy